

**REMARKS**

Reconsideration of the above identified application in view of the amendments above and the remarks following is respectfully requested. This Response is in response to the Office Action dated September 27, 2010. In the Office Action:

*Office Action Summary*, Disposition of Claims is stated as follows:

- > Claims 1 – 23, 25, 30, and 36 - 40 are pending in the application.
- > Claims 1 – 23, 25, 30, and 36 - 40 are rejected.

DETAILED ACTION is itemized as follows:

Item 1: The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. The oath or declaration is defective because it has not been signed by the inventor(s). See 37 CFR 1.63.

Item 2: A quotation of the appropriate paragraphs of 35 U. S. C. 102 which form the basis for the rejections under this section in the Office action is provided.

Item 3: Claims 1, 2, 4, 9 – 11, 13, 16, 19 and 20 are rejected under 35 U.S.C. 102 (b) as being anticipated by Langeman (US 5,388,761).

Item 4: Claim 30 is rejected under 35 U.S.C. 102 (b) as being anticipated by Maayeh et al. (US 6,041,972).

Item 5: Claims 1, 2, 4, 6, 7, 9, 20 and 36 - 38 are rejected under 35 U.S.C. 102 (b) as being anticipated by Kott et al. (US 6,533,189).

Item 6: Claims 39 and 40 are rejected under 35 U.S.C. 102 (b) as being anticipated by Brown (US 5,924,599).

Item 7: A quotation of the appropriate paragraphs of 35 U. S. C. 103(a) which forms the basis for all obviousness rejections set forth in the Office action is provided.

Item 8: The factual inquiries set forth in *Graham vs. John Deere Co.*, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized.

Item 9: The Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made, absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U. S. C. 103(a) and potential 35 U. S. C. 102 (e), (f) or (g) prior art under 35 U. S. C. 103(a).

Item 10: Claims 3 and 8 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Langeman in view of Cole (US 3,178,157).

Item 11: Claim 5 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Langeman in view of Brown et al. (US 5,526,957).

Item 12: Claim 12 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Langeman.

Item 13: Claim 14 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Langeman in view of Brown (US 5,265,761).

Item 14: Claims 15 and 17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Langeman in view of Sperry et al. (US 4,568,003).

Item 15: Claims 18, 19, 21, and 23 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Langeman in view of Wacker et al. (US 5,938,079).

Item 16: Claims 18, 19, 21- 23 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Langeman in view of Viellard (FR 2416718).

Item 17: Claim 18 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Langeman in view of Chabria (US 4,262,848).

Item 18: Claim 25 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Langeman in view of Gusmer et al. (US 4,154,368).

Summary of the Disposition of the Claims via Applicant's Response

Independent claim 1 is presently amended.

Claim 3 is presently cancelled.

Claims 2, 4 – 23, 25, 30, 36 – 38, remain as originally filed.

Claims 39 – 40 remain as previously presented.

Claims 24, 26 – 29, 31 – 35, were previously cancelled.

Highlights of the Claims Amendments

Independent claim 1 was amended in response to Examiner Action Items 3 - 6.

Independent claim 1 was amended by adding originally disclosed subject matter, particularly with respect to additional structural and functional features of the device, thereby possibly further limiting the meaning and scope of the subject matter of independent claim 1 with respect to the self contained foam dispenser.

The claim was amended by strictly relying upon the originally filed specification of the patent application. Words, phrases, and terms used for amending the claims were directly obtained from, and, literally (textually) and illustratively (figuratively) supported by, the text and figures of the specification of the originally disclosed invention. Accordingly, no new subject matter appears in the amended claims.

The Examiner is respectfully made aware that the US Patent Application Publication, Malik, et al., having Pub. No.: US 2008/0272148 A1, and Pub. Date: Nov. 6, 2008, of the present U.S. Pat. Appl. No. 10/599,376 was used for preparing the present Amendment. Accordingly, Applicant's references to page and paragraph numbers correspond to those of the just stated publication of the present patent application document.

Details of Applicants Response

**Claim Rejections - 35 U.S.C. 102(b) Rejections**

Regarding Independent Claim 1:

Claim 1 is rejected under 35 U.S.C. 102 (b) as being anticipated by Langeman (US 5,388,761).

Claims 1 is rejected under 35 U.S.C. 102 (b) as being anticipated by Kott et al. (US 6,533,189).

**Independent claim 1 was amended** by adding originally disclosed subject matter, particularly with respect to additional structural and functional features of the device, thereby possibly further limiting the meaning and scope of the subject matter of independent claim 1 with respect to the self contained foam dispenser.

Support for the amendment may be found in the referenced publication in page 2, paragraph [0017].

Regarding Claim 1 being rejected under 35 U.S.C. 102 (b) as being anticipated by Langeman, **the Applicant respectfully points out to the Examiner that Langeman does not teach “a self contained dispensing device wherein the device does not include tubes external to the casing.” Rather Langeman teaches housing the device in a cabinet and includes tubes external to the casing.** The Applicant would respectfully like to draw the Examiner's attention that not having

tubes external to the casing eliminates a need for dragging tubes and/or to be careful to avoid the tubes getting stuck on bulging objects.

Reference is made to Langeman, Figures 5 and 6 which illustrate system 20 mounted onto a cabinet 132. **Externally located to the cabinet are fluid suction lines 46A and 46B which connect tanks 22A and 22B to pumps 24A and 24B, respectively. Additionally externally located to the cabinet are fluid delivery lines 48A and 48B, which connect pumps 24A and 24B, respectively, to spray gun 26 (alternatively to fittings 136A and 136B).**

Regarding Claim 1 being rejected under 35 U.S.C. 102 (b) as being anticipated by Kott et al., **the Applicant respectfully points out to the Examiner that Kott does not teach “a self contained dispensing device wherein the device does not include tubes external to the casing.” On the contrary, Kott teaches a use of high pressure lines (“external to the casing”) for placing a material pump in fluid communication with a spray gun (see Kott, column 2, lines 28 – 31).**

Additional reference is made to Kott, Figures 1, 2 and 5, which illustrate **material lines 34A and 34B leading from cart 20 and connecting spray gun 36 to pumps 32, and air line 42 connecting the spray gun to air compressors 42.**

**Therefore, based on the above explanation, the Applicant respectfully reiterates his disagreeing with the Examiner regarding the lack of novelty in claim 1 of the present application as anticipated by the teachings of Langeman or Kott.**

Regarding Independent Claim 30:

Claim 30 is rejected under 35 U.S.C. 102 (b) as being anticipated by Maayeh et al. (US 6,041,972). The Examiner states that Maayeh shows a base for a hand held device (Fig. 23), comprising a niche (316), a battery charger (326), a compartment

(20) holding a dispensing cartridge (15) and a heater (14) to heat the contents of the cartridge.

The Applicant respectfully disagrees with the Examiner. **Maayeh does not teach a niche for receiving the foam dispensing device and in which a battery in the device is charged, as presently claimed. Rather, Maayeh teaches a niche (station 316) for receiving the heating cartridges (14) where they are kept warmed to an operating temperature.**

Reference is made to Maayeh, column 15, lines 59 – 67, and column 16, lines 1 – 12, where Maayeh teaches that the niche is for heating the removable cartridges;

“In summary, a warming tray is disclosed for holding and maintaining the removable cartridges at operating temperatures. The removable cartridges are selectively placed, one at a time, upon a feeder handle for dispensing glue therefrom. The removable cartridges include a protective housing such that a person utilizing the glue gun system of the present invention may grasp the removable cartridges by the protective housing. **The removable cartridges may be maintained in a warm state by being placed on the warming tray which has powered connectors for electrically connecting the removable heating cartridges to an electrical power supply to provide electric current for maintaining the heating cartridge and the glue therein in a warmed condition, ready for use.** The removable cartridges have an actuation member for interfacing with a switch which disconnects the power connectors of the warming tray from the electrical power supply when the removable cartridges are removed from the warming trays. The removable cartridges also have clasps for clasping to a mounting rail of the warming tray such that the removable cartridges are fixably secured to the warming tray for transport.”

Reference is also made to Maayeh, column 1, lines 54 – 67; column 2, lines 1 – 8 where Maayeh further teaches a niche (cartridge stations) for heating the cartridge;

“The present invention disclosed and claimed herein comprises **a warming tray for holding and preheating removable heating cartridges of hot glue guns. The heating cartridges include electrically powered heating elements and releasable interfaces for releasably connecting the heating elements to a power supply.** The warming tray includes a platform having a drip pan, and plurality of heating cartridge stations which are spaced apart and extend adjacent to the drip pan.

Each of the heating cartridge stations has a power interface member for releasably connecting to a releasable interface of one of the heating cartridges to provide electric power to the heating element. The heating cartridge stations have lineally extending, upwardly protruding portions which define alignment members for engaging within an alignment channel formed into the heating cartridges. A mounting rail extends across the platform, parallel to and spaced apart from the drip pan. The mounting rail has an upwardly facing edge into which a plurality of spaced apart openings are formed, with one opening being provided for each station for passage of the hot melt glue stick and a glue feed member of the heating cartridges. The mounting rail is clasped by latch members of the heating cartridges to secure the heating cartridges to the warming tray.”

**Therefore, based on the above explanation, the Applicant respectfully reiterates his disagreeing with the Examiner regarding the lack of novelty in claim 30 of the present application as anticipated by the teachings of Maayeh.**

Regarding Independent Claim 36:

Claim 36 is rejected under 35 U.S.C. 102 (b) as being anticipated by Kott et al. (US 6,533,189). The Examiner states that Kott shows a plural component dispensing device (Fig. 1), comprising a mixing chamber (94), a flow generator (96) and a base portion (20) including a motor (38) a heater (22). The flow generator and mixing chamber comprise a single replaceable part (36) that is detachable from the base portion without the use of tools (Col. 8, ll. 21 – 26).

The Applicant respectfully disagrees with the Examiner. **Kott does not teach attaching a pump and a mixer in the spray gun (replaceable part 36).** Rather, **Kott teaches a flow generator (appropriate pumps 32) included in a cart (20) and removably connected to through material lines (34a, 34b) to the spray gun 36 which includes a mixer body 90 and a mixing tube 94.** The use of removably connected material lines allows for separate replacement of the pumps in the cart and the mixing body/tube in the spray gun, and therefore the pump and the

**mixer body/tube do not comprise a single replaceable part. Furthermore, the pump is located inside an enclosed cart so that it seems physically impossible for the pump and the mixer tube/body to be a single replaceable part.**

Reference is made to Kott, column 3, lines 52 – 67; and column 4, lines 1 – 14, wherein Kott teaches the pumps driving the contents of the tanks through the separate material lines to the mixer body/tube in the spray gun, and the cart being an enclosed cart;

“Referring to FIG. 1, a portable spray system is provided that has a portable cart **20** having a temperature controlled interior provided by a heater **22**. Tanks **24** are mounted to the cart so the temperature of plural coating components can be maintained by the heater **22**. There are preferably at least two tanks **24** containing plural materials for spraying. Preferably one tank **24 a** contains a colored resin **26**, and one tank **24 b** contains an activator **28**. **One or more motors 30 drive appropriate pumps 32 to pump the materials 26, 28 through separate material lines 34 a, 34 b that are connected to a spray gun 36.** The cart carries at least one motor **38** driving at least one compressor, and preferably has two motors and two turbine compressors in order to provide compressed air to air line **42**. The air line **42** is also connected to the spray gun **36**. **The spray gun has a mixing tube 94 that mixes the plural materials 26 , 28 and provides them to spray nozzle 44 which is in fluid communication with an outlet 46 through which the mixed materials 26 , 28 are forced at a rate controlled by an operator 48 .** The pressurized air from the air line **42** is also in fluid communication with the spray nozzle **44** and exits through openings or outlets **50** in a portion of the spray nozzle **44** to mix with the mixed materials **26, 28** and spray them onto a desired surface where the mixed materials **26, 28** harden to form a protective layer **52** on an object **54**.

Referring to FIGS. 1-6, the cart **20** is advantageously a metal framed cart, preferably of steel. But other materials can be used. **The cart 20 is preferably enclosed,** with access doors **60** provided where and as needed to allow access to the interior and the components mounted in the cart.”

Reference is additionally made to Kott, column 6, lines 3 – 8, wherein Kott teaches placing the pumps inside the cart; “**The pumps 32 and motor 30 are**

**preferably enclosed within the cart 20** to maintain the temperature of the plural component materials, resin 26 and activator 28. But enclosing the pump 32 and motor 30 also allows the heat from the pump to be used to maintain the operating temperature of the cart 20 and spray materials enclosed within the cart.”

Additional reference is made to Kott, column 7, lines 55 – 65, wherein Kott teaches disconnecting the spray gun while still leaving the pumps operative; “When the spray system is not being used, **the material lines 34 are disconnected from the spray gun 36 and connected to the tanks 34 by connectors 86 on the tanks so that the materials 26, 28 can cycle through the lines periodically to eliminate material build up in the lines and to keep the material in suspension. A circulation of 10 minutes every 4 hours via an automatic timer that is tied to the pump motor 30 is believed suitable for the preferred embodiment.** The appropriate time intervals will depend on the materials used, the insulation of the cart 20, the size of the heater and the environmental temperature.”

**Therefore, based on the above explanation, the Applicant respectfully reiterates his disagreeing with the Examiner regarding the lack of novelty in claim 36 of the present application as anticipated by the teachings of Kott.**

Regarding Independent Claim 39:

Claims 39 is rejected under 35 U.S.C. 102 (b) as being anticipated by Brown (US 5,924,599). The Examiner states that Brown shows a chemical container (10) comprising a container (26) with a volume less than 5 liters and including foam generating components (Col. 1, ll, 23 – 35), a port (239) on the container, a diaphragm (interior of valve 239) adapted to receive a tube a (248) and prevent flow from the container when a tube is not in the port and prevents dripping outside the tube when the tube is in the port.

The Applicant respectfully disagrees with the Examiner. **Brown does not teach a use of a container comprising a port including a diaphragm, the port adapted to receive a tube in the foam dispensing device which is inserted into the**

port for opening the container. Rather, Brown teaches a container comprising a valve which includes a tube (stem) which when pushed, opens the valve, and where the pushing of the stem is resisted by a spring. Brown further teaches closing of the valve by removing the pushing action on the stem so that the spring restores the stem to a closed position. Brown's teachings are similar to the operating principle of many aerosol cans where opening and closing of the valve is done by moving the stem between open and closed positions while the stem is acted upon by a spring. .

Reference is made to column 3, lines 51 – 52, where Brown teaches that the container comprises the valve; “Each can 24, 26 includes an upper chime 32, a dome 34, a valve cup/thread assembly 36, and a **dispensing valve 38**.”

In column 4, lines 37 – 43, Brown teaches inclusion of the stem as part of the valve and opening of the valve by pushing on the stem against the action of a spring; “.... In use, as the can 24 is fully screwed into the adapter, **the stem portion 106 of the valve is depressed by engagement with a shoulder 108 in the passage 110 in the adapter 46. This engagement opens the valve by moving the head portion 112 of the valve off the valve seat 114 against the action of the spring116.**”

**Therefore, based on the above explanation, the Applicant respectfully reiterates his disagreeing with the Examiner regarding the lack of novelty in claim 39 of the present application as anticipated by the teachings of Brown.**

Regarding the dependent Claims 2, 4, 6, 7, 9 - 11, 13, 16, 19, 20, 37, 38, and 40:

- a. Claims 2, 4, 6, 7, 9 - 11, 13, 16, 19, and 20 are dependent on independent claim 1.
- b. Claims 37 and 38 are dependent on independent claim 36.
- c. Claim 40 is dependent on independent claim 39.

**Therefore, based on the above explanations, the Applicant respectfully requests from the Examiner to overturn the rejection of Claims 1, 2, 4, 6, 7, 9 - 11, 13, 16, 19, 20, 30, 36, 37, 38, 39 and 40 under 35 U.S.C. 102(b).**

**Claim Rejections - 35 U.S.C. 103(a) Rejections**

**Regarding the dependent Claims 3, 5, 8, 12, 14, 15, 17, 18, 19, 21 – 23, and 25:**

a. Claims 3, 5, 8, 12, 14, 15, 17, 18, 19, 21 – 23, and 25 are dependent on independent claim 1.

**Therefore, based on the above explanation, the Applicant respectfully requests from the Examiner to overturn the rejection of Claims 3, 5, 8, 12, 14, 15, 17, 18, 19, 21 – 23, and 25 under 35 U.S.C. 103(a).**

Thus, Applicant submits that the above discussion completely addresses and overcomes Examiner 35 U.S.C. 102(b) claim rejections regarding Claims 1, 2, 4, 6, 7, 9 - 11, 13, 16, 19, 20, 30, 36, 37, 38, 39 and 40; Examiner's 35 U.S.C. 103(a) claim rejections regarding 3, 5, 8, 12, 14, 15, 17, 18, 19, 21 – 23, and 25; and that the claims are in allowable condition, and such action is respectfully requested.

**Regarding Examiner's Item 1:**

The Applicant includes with this response a new declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. The declaration is signed by the inventor(s).

Respectfully submitted,

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Date: July 12, 2010